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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,886	11/05/2003	Robert Hyder	M006.P016U1	6728
25854 7590 06/11/2008 BRYAN W. BOCKHOP, ESQ. BOCKHOP & ASSOCIATES, LLC 2375 MOSSY BRANCH DR. SNELLVILLE, GA 30078				
EXAMINER				
NGUYEN, PHUOC H				
ART UNIT		PAPER NUMBER		
2143				
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06/11/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/701,886

Applicant(s)

HYDER ET AL.

Examiner

Phuoc H. Nguyen

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on November 2, 2007. Amendment filed on November 2, 2007 have been entered and made of record. Therefore, pending claims 1-12 are presented for further consideration and examination.

Response to Arguments

2. Applicant's arguments filed November 2, 2007 have been fully considered but they are not persuasive.

The applicant argues primarily in pages 6-7 for claims 1-3 as rejected under 102(b) that the feature of sending a new message alert immediately upon receipt of a new message if there are no undelivered messages, but delaying the sending of the new message alert until the expiration of a predetermined period from the last alert sent if there are undelivered messages is not disclosed by the cited reference by Parsons et al.

The examiner respectfully submits that the alleged limitation above is logically seen in the cited primary reference by Parsons et al. First of all, the term "immediately" in the phrase is not explicitly cited in the claim language. Thus, no weight is given to the term "immediately". In another words, the server will send an alert upon receipt of a new message if there are no undelivered messages... and so on. This feature is logically seen in the cited reference by Parsons et al. in paragraphs [abstract, 0017, 0025, and Figure 3], particularly paragraph [0025]. This particular paragraph explicitly discloses an alert is sent out to the users/subscribers upon

receiving the incoming new message(s). Further, the generated/sent out alert to the clients can be triggered by a pre-configured setting wherein this setting can be wide varieties including at least sending out an alert once receiving the incoming message(s) as cited in the claimed invention and above allegation.

The applicant argues in extensively in pages 8-9 for claims 9-12 as rejected under 102(b) that the feature of sending a list of messages meeting common criteria, opposed to transmitting a stream of single messages, is not disclosed anywhere in Gellens.

The examiner respectfully submits that the alleged feature above is clearly seen or disclosed in the either cited references, particularly in the primary reference by Gellens. First of all, there is no distinction within the claim language between sending a list of messages and streaming/sending of <single> plurality of messages directly. Secondly, the paragraph [0009] clearly discloses the above alleged feature wherein all the messages must pass through a filter (e.g. as equivalent to the “meeting common criteria” for preventing junk, spam, virus ... messages) and either sends the messages as-is to the clients/users/subscribers or compiles the messages and sends to the clients/users/subscribers for viewing.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Parsons et al. (U.S. Patent Application Publication No. 2002/0087643).

Re claim 1, Parsons et al. disclose in Figures 1-3 a method for a relay server to provide an electronic mail notification to a mobile device (e.g. Figure 2 wherein the relay server is component 112 and the notification is performed by component 202 to the wireless device 120), wherein the mobile device is in communication with the relay server via a wireless communication network (e.g. wireless interface with WAP protocol as seen in Figure 2), the mobile device communicating with the relay server according to a predefined protocol (e.g. WAP as an example), the method comprising the steps of: receiving an electronic mail destined to the mobile device from a mail server (e.g. from email server 124 to notification system 112 in Figure 1); saving the received electronic mail on the relay server (e.g. stored in message information 206 in Figure 2 and abstract); if there is no undelivered electronic mail destined to the mobile device on the relay server, then sending a new message notification to the mobile device, marking the received electronic mail as undelivered, and setting the time of last new message notification to the current time (e.g. path for sending the alert of incoming new message in Figure 3 by components 310, 312, and 314); if there is at least one undelivered electronic mail destined to the mobile device at the relay server (e.g. by update list 308), calculating a lapse time between the time of last new message notification sent to the mobile device and the current time; and if the lapse time is greater than a predefined period (e.g. as time ready to send alert 310 in Figure 3), then sending a new message notification to the mobile device, marking the received electronic mail as undelivered, and setting the time of last new message notification to the current time (e.g. format and send a new alert message to the wireless device in Figure 3).

Re claim 2, Parsons et al. further disclose in Figures 1-3 receiving an electronic mail retrieval request from the mobile device; and transmitting undelivered electronic mails on the relay server to the mobile device (e.g. paragraph [0030]).

Re claim 3, Parsons et al. further disclose in Figures 1-3 deleting electronic mails transmitted from the server to the mobile device; and sending an update message to a mail server (e.g. paragraph [0030]).

5. Claims 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Gellens (U.S. Patent Application Publication No. 2004/0176072).

Re claim 9, Gellens discloses in Figures 4-7 a method for a relay server to provide a list of electronic mails to a mobile device according to a request received from the mobile device (e.g. by the preview from server to client in Figure 4), wherein the mobile device is in communication with the relay server via a wireless communication network (e.g. Figure 1), the mobile device communicating with the relay server according to a predefined protocol (e.g. abstract and Figure 4), the method comprising the steps of:

receiving a request for electronic mails from a user at the mobile device (e.g. Action command from the client to server in Figure 4), the request including a specification (e.g. either download/delete command), wherein electronic mails that accord to the specification are desired by the user (e.g. originate from the user/client as seen in Figure 1); compiling a list of electronic mails according to the specification; and transmitting the list of electronic mails to the mobile device (e.g. Figure 7 and paragraph [0044] and [0046]).

Re claims 10-12, Gellens further discloses in Figures 4-7 the specification includes a sender name and a time period for all undelivered electronic mails (e.g. paragraph [0044]).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being anticipated over Parsons et al. (U.S. Patent Application Publication No. 2002/0087643) in view of Gellens (U.S. Patent Application Publication No. 2004/0176072).

Re claim 4, Parsons et al. fail to disclose in Figures 1-3 receiving a catch-up request from the mobile device; retrieving a specification from the catch-up request; compiling a list of electronic mails according to the specification; and transmitting the list of electronic mails to the mobile device. However, Gellens discloses in Figures 4-7 receiving a catch-up request from the mobile device (e.g. action in Figure 4); retrieving a specification from the catch-up request (e.g. command from either download/delete with specific categories as seen in Figure 4); compiling a list of electronic mails according to the specification; and transmitting the list of electronic mails to the mobile device (e.g. Figure 7 and paragraph [0046]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention is made to add the step of receiving a catch-up request from the mobile device; retrieving a specification from the catch-up request; compiling a list of electronic mails according to the specification; and

transmitting the list of electronic mails to the mobile device as seen in Gellens' invention into Parsons et al.'s invention because it would enable to specifically control to receive particular message without downloading large volume (e.g. paragraph [0007]).

Re claims 5-6, Parsons et al. fail to disclose in Figures 1-3 the specification includes a sender name and a time period. However, Gellens discloses in Figures 4-7 the specification includes a sender name and a time period (e.g. paragraph [0044]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention is made to add the specification includes a sender name and a time period as seen in Gellens' invention into Parsons et al.'s invention because it would enable to specifically control to receive particular message without downloading large volume (e.g. paragraph [0007]).

8. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being anticipated over Parsons et al. (U.S. Patent Application Publication No. 2002/0087643).

Re claims 7-8, Parsons et al. fail to disclose in Figures 1-3 the electronic mail is encrypted at the mail server or decrypted at the mobile device. However, the examiner takes an Office notice that the encryption/decryption is well known in the art of technology and widely used in the technology of email for security purposes. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention is made to add the electronic mail is encrypted at the mail server or decrypted at the mobile device into the Parsons et al.'s invention because it would provide secure communication in messaging.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2143

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phuoc H Nguyen/
Primary Examiner, Art Unit 2143

June 5, 2008